

# 106<sup>th</sup> TN General Assembly

## First Regular Session



**Tuesday, June 16, 2009**

Senate – 43<sup>rd</sup> Legislative Day      House – 43<sup>rd</sup> Legislative Day

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### SENATE

#### BILLS / RESOLUTIONS

- SR 0168 by \*Beavers**  
Memorials, Recognition - Coleman Walker -
- SJR 0656 by \*Overbey, Burchett**  
Memorials, Recognition - Charles Green -
- SJR 0657 by \*Henry**  
Memorials, Retirement - Charles L. Harrison -
- SJR 0658 by \*Henry**  
Memorials, Death - Nelson Andrews -
- SJR 0659 by \*Burchett, McNally, Woodson, Barnes, Beavers, Berke, Black, Bunch, Burks, Crowe, Faulk, Finney, L, Ford, O., Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Ketron, Kyle, Marrero B, Norris, Overbey, Southerland, Stanley, Stewart, Tate, Tracy, Watson, Yager, Ramsey**  
Memorials, Death - Eleanora Driver Overbey -
- SJR 0660 by \*Kyle**  
Memorials, Recognition - Shelby County Courthouse, centennial celebration -
- SJR 0661 by \*Berke**  
Memorials, Recognition - Ruby Falls -
- SJR 0662 by \*Berke**  
Memorials, Death - Dr. Deene Russ Leventhal -
- SJR 0663 by \*Haynes**  
Memorials, Recognition - Goodlettsville Fire Department, Nashville Fire Department, and others, Best in State, 2009 Star of Life Award -
- SJR 0664 by \*Haynes**  
Memorials, Academic Achievement - Patrick Ryan McFolin, McGavock High School -
- SJR 0665 by \*Herron**  
Memorials, Professional Achievement - Dr. Harry Lee Poe, 2009 Edgar Award -
- SJR 0666 by \*Finney L**  
Memorials, Recognition - Stephen B. Shanklin, Grand President, Sigma Phi Epsilon -

### **THIRD CONSIDERATION**

#### **Consent Calendar:**

SB 20 – s/c HB 467 – PASSED 33-0.  
SB 178 – s/c HB 75 – PASSED 33-0.  
SB 184 – s/c HB 216 – PASSED 33-0.  
SB 214 – s/c HB 509 – PASSED 33-0.  
SB 762 – s/c HB 372 – PASSED 33-0.  
SB 986 – s/c HB 343 – PASSED 33-0.  
SB 1634 – s/c HB 294 – PASSED 33-0.  
SB 1760 – s/c HB 487 – PASSED 33-0.  
SB 1785 – PASSED 33-0.  
SB 2135 – s/c HB 2140 – PASSED 33-0.  
SB 2155 – s/c HB 1929 – PASSED 33-0.  
SB 2159 – s/c HB 2179 – PASSED 33-0.  
SJR's 335, 649 – ADOPTED 33-0.  
HJR 382 – CONCURRED 33-0.

#### **Regular Calendar:**

SB 1273 – s/c SB 898 – Amds. #1, 2 ad. – PASSED AS AMENDED 25-7.  
SB 1283 – s/c HB 1598 – PASSED 25-7.  
SB 1726 – s/c HB 1379 – Amd. #1 ad. – PASSED AS AMENDED 32-1.  
HJR 52 – Failed to receive constitutional majority 15-14; RE-REF to Calendar.  
SB 2355 – RE-SET to 6/17/09.  
SB 2236 – s/c HB 2249 – PASSED AS AMENDED 30-0.  
HB's 2220 1504 – RE-REF to Calendar.  
SB 1439 – s/c HB 472 PASSED 33-0.  
HB 703 – Amds. #1 to 1, 1, 3 ad. – PASSED AS AMENDED 29-0.  
SB 1468 – s/c HB 1432 – Amd. #2 ad. – PASSED AS AMENDED 33-0.  
HB 2376 – PASSED 26-4.  
SB 2378 – RE-SET to final calendar.  
SB 2275 – s/c HB 2282 – PASSED 31-0.  
SB 358 – PASSED 32-0.  
SB 371 – PASSED 31-0.  
SB 1126 – RE-SET to 6/17/09.  
HJR 59 – CONCURRED 31-0.  
SB 138 – s/c HB 147 – Amd. #4 ad. – PASSED AS AMENDED 18-7-2.  
SB 1141 – RE-REF to Calendar.  
SB 1388 – s/c HB 1815 – Amds. #2, 3, 5, 6 ad. - PASSED AS AMENDED 30-0.  
SB 872 – RE-SET to 6/17/09.  
SB 2196 – Amd. #3 ad. – PASSED AS AMENDED 31-0.  
SB 532 – s/c HB 346 – Amd. #2 ad. – PASSED AS AMENDED 27-0.  
SB 538 – RE-SET to 6/17/09.  
SB 878 – Amd. #1 ad. – RE-SET to 6/17/09.  
SB 969 – s/c HB 1335 – PASSED 28-0.  
SB 1357 – s/c HB 1369 – PASSED 32-0.  
SB 1566 – s/c HB 1833 – PASSED 30-0.  
SB 2282 – s/c HB 2295 – PASSED 32-0.  
SJR 230 – Amds. #1, 2 ad. – ADOPTED AS AMENDED 32-0.  
SB 162 – Amds. #3, 4, 5 ad. – PASSED AS AMENDED 22-11.  
SB 1522 – s/c HB 1650 – RE-SET to 6/17/09.  
SB's 2356, 2358 – RE-SET to 6/17/09.

(Senate Third Consideration cont.)

Regular Calendar #2:

SB 307 – PASSED 30-0.

SB 470 – RE-SET to 6/17/09.

SB 1561 – s/c HB 885 – PASSED 32-0.

SB 1579 s/c HB 1423 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 1600 – s/c HB 2057 – Amd. #2 ad. – PASSED AS AMENDED 31-0.

HJR 369 – RE-SET to 6/17/09.

Message Calendar:

SB 1092 – H Amds. #2, 5 CONCURRED.

**OTHER ACTION**

SR 166 – s/r ADOPTED.

SJR 656 – s/r ADOPTED.

SJR 659 – s/r ADOPTED.

**COMMITTEE REPORTS**

STATE & LOCAL GOVERNMENT –

Rec. for adopt., ref to Calendar – SJR 238.

**MESSAGE FROM THE GOVERNOR**

SB 683 – SIGNED 6/12/09.

SJR 627 – SIGNED 6/12/09.

**CALENDARS FOR WEDNESDAY, JUNE 17, 2009**

**Consent**

**1. HJR 0659 by \*Gilmore**

Memorials, Professional Achievement - Dr. Sandra Holt, Higher Education Professional of the Year -

**2. HJR 0660 by \*Gilmore**

Memorials, Professional Achievement - Brenda Steele, Alex Green Elementary School, 2010 Principal of the Year -

**3. HJR 0661 by \*Gilmore**

Memorials, Professional Achievement - Renita J. Cobb, West End Middle School, Teacher of the Year -

**4. HJR 0662 by \*Carr, Coleman**

Memorials, Personal Achievement - Dakota Umsted, Eagle Scout -

**5. HJR 0663 by \*Carr, Harwell**

Memorials, Academic Achievement - Patrick W. Carr, Jr. -

**6. HJR 0664 by \*Turner M**

Memorials, Interns - Anthony Tyrone Chambers -

**7. HJR 0665 by \*Coleman, Carr, Cobb C**

Memorials, Recognition - Staff Sergeant Thomas Hosfelt -

**8. HJR 0667 by \*Cobb T**

Memorials, Recognition - Bob Taylor Hime -

**9. HJR 0668 by \*Mumpower**

Memorials, Death - Hugh Buckles -

**10. HJR 0669 by \*Pitts, Johnson C, Johnson P, Evans**

Memorials, Personal Achievement - Harlin Miller, Tennessee American Legion Boys State Governor -

(Senate Consent Calendar cont.)

**11. HJR 0671 by \*Pitts, Johnson P, Johnson C, Tidwell**  
Memorials, Death - Jason Braxton "Bret" Smith -

**Regular**

1. **\*HJR 0369 by \*Bell, Curtiss, Bass, Harmon, DeBerry J, Bone, Casada, Weaver, Dunn, Floyd, Shipley**  
Memorials, Congress - Urges United States Senate to reject ratification of United Nations Convention on the Rights of the Child. -
2. **\*SB 2355 by \*Kyle (HB 2392 by \*Fitzhugh)**  
Appropriations - As introduced, makes appropriations for fiscal years 2008-2009 and 2009-2010. -
3. **\*SB 2356 by \*Kyle (HB 2391 by \*Fitzhugh)**  
Budget Procedures - As introduced, authorizes the index of appropriations from state tax revenues for the 2009-2010 fiscal year to exceed the index of estimated growth in the state's economy by \$210,800,000 or 1.88 percent. - Amends TCA Title 9, Chapter 4, Part 52.
4. **SB 2358 by \*Kyle (\*HB 2390 by \*Fitzhugh)**  
Bond Issues - As introduced, authorizes issuance of bonds to fund state projects. -
5. **\*SB 0470 by \*Johnson, Gresham, Beavers (HB 1756 by \*Hensley, Carr, Evans, Rich, Campfield, Dennis)**  
Public Health - As introduced, establishes a new methodology for disposition of family planning funds that disburses funds to public women's health services programs before other providers are funded. - Amends TCA Section 68-34-105.
6. **SB 0538 by \*Ketron (\*HB 0413 by \*Bass)**  
Animals and Animal Cruelty - As introduced, deletes requirement persons selling dogs and cats at a flea market obtain a license as a dealer from the department of agriculture. - Amends TCA Title 44, Chapter 17, Part 1.
7. **SB 0872 by \*Ketron (\*HB 0614 by \*Todd, Tindell, Moore)**  
Election Laws - As introduced, deletes all provisions requiring the purchase of precinct-based optical scanner voting systems only, including language referring to Help America Vote Act funds; deletes mandatory hand count audits of paper ballots created by such machines; deletes language. - Amends TCA Title 2 and Chapter 1108 of the Public Acts of 2008.
8. **\*SB 0878 by \*Ketron (HB 1246 by \*Curtiss, Evans, Cobb T)**  
Firefighters - As introduced, requires full-time, part-time, or volunteer firefighters hired or accepted on or after July 1, 2009, to meet certain minimum training requirements. - Amends TCA Title 4, Chapter 24, Part 1.
9. **SB 1126 by \*Norris, Jackson, Crowe, Gresham (\*HB 0959 by \*Bass, McCord, Tindell, Todd, Jones U)**  
Handgun Permits - As introduced, makes information contained in handgun carry permit applications and renewals, information provided to agencies to investigate applicant, and records maintained relative to the permit application confidential and creates Class A fine only misdemeanor of unauthorized publication of permit information or records. - Amends TCA Section 10-7-504 and Title 39, Chapter 17, Part 13.
10. **HB 1650 by \*Armstrong, Shaw, Miller L (\*SB 1522 by \*Burchett, Ford, O.)**  
Public Health - As introduced, adds providing advice to the commissioner of finance and administration concerning the state health plan developed by the state health planning division of the department of finance and administration to the duties of the health equity commission. - Amends TCA Title 3, Chapter 15, Part 4.

**Message**

1. **\*SB 1955 by \*Ketron (HB 1720 by \*Carr, Tidwell, Fitzhugh)**  
Alcoholic Beverages - As introduced, provides that manufacturing of intoxicating liquors is allowed in counties that have approved retail package sales and liquor-by-the-drink sales through voter referendum; requires manufacturer to obtain appropriate licenses. - Amends TCA Section 57-2-103.
2. **\*HB 0898 by \*Watson, Todd, Turner M, Dean, Rich, Evan (SB 1273 by \*Bunch)**  
Firearms and Ammunition - As introduced, allows persons with handgun carry permit to carry in public parks, public postsecondary institutions, and places where alcoholic beverages are being served; allows judges to carry firearms where law enforcement can carry if they have permit or appropriate training. - Amends TCA Title 39, Chapter 17, Part 13 and Title 70.

(Senate Message Calendar cont.)

3. **\*HB 1072 by \*Lynn, Kernell, Cobb J, Hardaway (SB 1025 by \*Johnson, Watson)**  
Sunset Laws - As introduced, extends health equity commission, June 30, 2012. - Amends TCA Title 3, Chapter 15 and Title 4, Chapter 29.
4. **\*HB 1946 by \*Maddox (SB 2091 by \*Finney L)**  
Growth and Development - As introduced, specifies that if the regional area outside of the municipal boundaries is less than 50 percent of the entire regional area then only one member of a municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on a municipal planning commission designated as a regional planning commission. - Amends TCA Section 13-3-102.
5. **\*HB 2109 by \*Floyd, Favors, Evans, Campfield (SB 2102 by \*Watson, Burks)**  
Tort Liability and Reform - As introduced, limits the civil liability of persons who own, lease, occupy, or control land when others use such land to engage in certain off-road activities and are injured due to the inherent risks associated with engaging in such activities. - Amends TCA Title 70, Chapter 7.
6. **SB 2318 by \*Kyle (\*HB 2275 by \*Fitzhugh, Turner M)**  
Taxes - As introduced, makes certain revisions concerning assessment and collection of sales, privilege, transfer, and privilege taxes; delays effective date of certain streamlined sales tax provisions until July 1, 2011. - Amends TCA Title 7, Title 54, Title 55, Title 67, Chapter 602 of the Public Acts of 2007, and Chapter 1106 of the Public Acts of 2008.

## SENATE CONVENES AT 10:30 A.M., WEDNESDAY, JUNE 17, 2009

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## HOUSE

### BILLS / RESOLUTIONS

Received from Senate, held on House desk – SB's 2318, 2357.

- HR 0192 by \*Lynn, Bone**  
Memorials, Recognition - Wilson County Fair Board -
- HR 0193 by \*Hardaway, Coley, Cooper B, DeBerry J, DeBerry L, Jones U, Kelsey, Kernell, Lollar, McManus, Miller L, Richardson, Todd, Towns, Camper**  
Memorials, Academic Achievement - LaQuita Johnson, Valedictorian, Hamilton High School -
- HR 0194 by \*Hardaway**  
Memorials, Retirement - Ruby Jackson Payne -
- HR 0195 by \*Hardaway**  
Memorials, Recognition - Reverend Samuel Billy Kyles -
- HR 0196 by \*Fincher**  
Memorials, Personal Occasion - Willard and Carolyn Cummings, 50th anniversary -
- HR 0197 by \*Fincher**  
Memorials, Personal Occasion - Joel and Dorothy Cowan, 50th anniversary -

(House Resolutions cont.)

**HR 0198 by \*Cobb T**

Memorials, Retirement - William D. Morrow -

**HR 0199 by \*Bone**

Memorials, Recognition - Richard Woodard and Lebanon Distributing Company -

**HR 0200 by \*Eldridge**

Memorials, Death - Felix Raymond Dowsley -

**HJR 0675 by \*Evans**

Memorials, Recognition - Sam A. White, Jr. -

**HJR 0676 by \*Coley**

Memorials, Recognition - Dr. Xu Lin -

**HJR 0677 by \*McDaniel**

Memorials, Death - Betsy Conder Newman Beshires -

**HJR 0678 by \*Moore**

Memorials, Recognition - Heritage Travel Center and Parkside Cafe -

**HJR 0679 by \*Haynes, Matlock**

Memorials, Death - Corporal Ryan Casey McGhee, United States Army -

**HJR 0680 by \*Barker**

Memorials, Recognition - Union City Coca-Cola Plant, 100th anniversary -

**HJR 0681 by \*Cobb C, Fraley**

Memorials, Recognition - Micky Lawson -

**HJR 0682 by \*Cobb C, Fraley**

Memorials, Recognition - Marshall Arney -

**HJR 0683 by \*Ferguson**

Memorials, Death - Emmett Eugene Thurman -

**HJR 0684 by \*Johnson C, Pitts, Johnson P**

Memorials, Sports - J.T. Batson, All-Area Soccer Coach of the Year -

**\*HJR 0685 by \*Harmon, Curtiss, Ford, McCord, Fitzhugh**

Memorials, Government Officials - Urges the Federal Communications Commission to allow the jamming of commercial mobile radio services within state correctional institutions. -

**HJR 0686 by \*Harrison**

Memorials, Retirement - Mrs. Billie Horton -

**HJR 0687 by \*Naifeh, DeBerry L, McCord, Ramsey, McDonald, Maggart, Bone, Ferguson, Gilmore**

Memorials, Death - Johnny Hayes -

**\*HJR 0688 by \*Coley**

General Assembly, Statement of Intent or Position - Expresses support for development of stronger economic, educational, and cultural partnerships with China's Hubei Province. -

**HJR 0689 by \*Jones U, DeBerry J, DeBerry L, Camper, Hardaway, Cooper B**

Memorials, Recognition - Memphis Academy of Science and Engineering, 100 percent graduation rate -

## **SECOND CONSIDERATION**

HB 2414 was passed on second consideration.

## **THIRD CONSIDERATION**

### Consent Calendar:

HJR's 673, 674 – ADOPTED 96-0-1.

### Consent Calendar #2:

HR 192 – ADOPTED 96-0-1.

HJR's 675, 676, 677, 678 – ADOPTED 96-0-1.

SJR's 630, 631, 632, 634, 635, 636, 639 – CONCURRED 96-0-1.

SJR's 640, 641, 642, 643, 645, 646, 648, 650 – CONCURRED 96-0-1.

(House Third Considerations cont.)

Consent Calendar #3:

SJR's 324, 352, 622 – CONCURRED 95-0.  
HJR's 657, 331 – ADOPTED 95-0.  
HB 782 – PASSED 95-0.  
HJR 113 – ADOPTED 95-0.  
HR's 194, 195, 196, 197 – ADOPTED 95-0.  
HJR's 679, 680, 681, 682, 683, 684 – ADOPTED 95-0.  
SJR's 656, 659 – CONCURRED 95-0.

Regular Calendar:

HB 1525 – HELD on desk.  
HB 738 – Amd. #1 ad. – PASSED AS AMENDED 81-14-1.  
HJR 149 – HELD on desk.  
HB 1045 – s/c SB 361 – PASSED 96-0.  
HB 1246 – RE-SET to 6/17/09.

Regular Calendar #2:

HB's 284, 919, 348, 1732 – RE-SET to 6/17/09.  
HB 1777 – Amd. #1 ad. – PASSED AS AMENDED 97-0.  
HB's 386, 409, 448, 1120, 1261, 1756, 1963, 2038 – RE-SET to 6/17/09.  
HR 82 – RE-SET to 6/17/09.  
HB's 589, 2199, 839 – RE-SET to 6/17/09.  
HB 963 – Amds. #2, 3 ad. – PASSED AS AMENDED 94-0.  
HB's 1001, 1089 – RE-SET to 6/17/09.  
HB 1573 – Amd. #2 ad. – PASSED AS AMENDED 97-0.  
HB's 606, 607, 1653, 1715 – RE-SET to 6/17/09.  
HB's 1749, 1892, 1972, 1988, 2193 – RE-SET to 6/17/09.

Appropriations Calendar:

HB 2275 – s/c SB 2318 – Amd. #1 ad. – PASSED AS AMENDED 52-44.  
HB 2389 – s/c SB 2357 – RE-SET to 6/17/09..  
HB's 2391, 2392, 2390 – RE-SET to 6/17/09.

Message Calendar:

HB 237 – RE-SET to 6/17/09.  
HB 1072 – S Amd. #1 NON-CONCURRED.  
SB 1907 – Tabling motion lifted; reconsidered passage; H Amd. #1 reconsidered/withdrawn; PASSED 94-0.  
HB 1946 – RE-SET to 6/17/09.  
HB 2109 – S Amd. #2 CONCURRED.

Message Calendar #2:

SB 205 – Conference Committee Report ADOPTED 97-0.  
HB 250 – S Amd. #4 CONCURRED.  
SB 679 – Tabling motion lifted; reconsidered passage; H Amds. #2, 3 reconsidered/withdrawn; PASSED AS AMENDED 97-0.  
HB 2324 – S Amd. #3 CONCURRED.

Message Calendar #3:

HB 898 – S Amds. #1, 2 NON-CONCURRED.  
HB 1379 – S Amd. #1 CONCURRED.

**OTHER ACTION**

HR 193 – s/r ADOPTED 95-0.

## **COMMITTEE REPORTS**

### **CALENDAR & RULES –**

Reg. Cal. 6/16 – HB's 2275, 2389, 2391, 2392, 2390, 284, 348, 386, 409, 448, 589, 606, 607, 614, 839, 919, 961, 963, 1001, 1089, 1120, 1261, 1573, 1653, 1715, 1732, 1749, 1756, 1777, 1892, 1963, 1972, 1988, 2038, 2193, 2199, HR 82.

Con. Cal 6/16 – HB 782, HJR's 113, 657, SJR's 324, 352, 622, HJR 331.

Action def. – HB 2289.

## **MESSAGE FROM THE GOVERNOR**

HB's 220, 234, 390, 583, 716, 925, 1160 – SIGNED 6/12/09.

HJR 649 – SIGNED 6/12/09.

## **HOUSE SCHEDULE FOR 6/17/09**

8:15 a.m. – EDUCATION – HHR #16

9:00 a.m. – GOVERNMENT OPERATIONS – HHR #16

10:00 a.m. – BUDGET – HHR #16 –

10:30 a.m. – FINANCE, WAYS & MEANS – HHR #16 –

11:00 – CALENDAR & RULES – HHR #16 –

**HOUSE CONVENES AT 1:00 P.M., WEDNESDAY, JUNE 17, 2009**